



Docket No.: 252308US0CONT



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/849,814
Applicants: Kenzo YOKOZEKI, et al.
Filing Date: May 21, 2004
For: METHOD FOR PRODUCING TRIPEPTIDES
AND/OR PEPTIDES LONGER THAN TRIPEPTIDES
Group Art Unit: 1652
Examiner: WALICKA, M. A.

SIR:

Attached hereto for filing are the following papers:

Comments on Statement of Reasons of Allowance

Our online credit card payment in the amount of **\$0.00** is being made covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KENZO YOKOZEKI ET AL : EXAMINER: WALICKA, M. A.
SERIAL NO: 10/849,814 : ART UNIT: 1652
FILED: MAY 21, 2004 : ALLOWED: OCTOBER 9, 2007
FOR: METHOD FOR PRODUCING TRIPEPTIDES AND/OR PEPTIDES LONGER
THAN TRIPEPTIDES

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Notice of Allowance dated October 9, 2007, Applicants respectfully submit the following comments on the Examiner's statement of reasons for allowance.

In the Examiner's statement of reasons for allowance, the Examiner states "Applicants disclosed a novel enzyme from *Sphingobacterium* sp., having amino acids sequence of SEQ ID NO: 12, wherein the mature form of the enzyme consists of amino acids 21-619. The enzyme is encoded by nucleotides 61-1917 of SEQ ID NO: 11 (its mature form by nucleotides 121-1917)". Although true, Applicants submit that the scope of the claims is broader than these specific sequences. Indeed, the allowed claims permit selection of sequences having substitution, deletion, insertion, and/or addition of one to ten amino acids (see, for example, Claim 1).

Despite the Examiner's error above appearing in the Statement of Reasons for Allowance, Applicants submit that the invention as presently claimed is neither disclosed nor suggested by the cited art. As such, Applicants submit that allowance is proper even if the

Examiner's Statement of Reasons for Allowance improperly reflect the invention as claimed.

Accordingly, Applicants submit that this application may proceed to issuance. Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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